



Memo

Legal Department

TO: Mayor Campbell and Members of the Ames City Council
FROM: Judy K. Parks, Acting City Attorney
RE: Iowa League of Cities v. Environmental Protection Agency litigation funding
DATE: April 11, 2013

You may recall that in the Fall of 2010, the City of Ames joined other Iowa cities and the Iowa League of Cities in this litigation which challenged the U.S. EPA's informal revision of the interpretation of several Clean Water Act provisions. You may also recall that in late March of this year, the Court ruled for the Iowa League in a very favorable opinion that vacated the EPA's illegally promulgated rules.

At the beginning of this project, a joint litigation agreement amongst the cities and League was executed that provided for the Hall and Associates law firm of Washington, D. C., to represent the interests of all members of the joint litigation group with cost sharing on a pro rata basis. The cost sharing arrangement was approved by your resolution on September 14, 2010 with the City's contribution in an amount not to exceed \$25,000. Those funds have been expended.

Now that a ruling has come down, additional work will need to be done by retained counsel to ensure that the decision is properly implemented. The firm estimates that \$1500.00 per entity would be needed for those activities, and WPC Director John Dunn has advised me that this amount could be paid for from uncommitted funds that department has available for miscellaneous outside professional services.

Since the implementation of the ruling is necessary to attain the benefits of the court's ruling, I am recommending your approval of this additional funding.